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FILE
COPYCLASSIFICATION ~~RESTRICTED~~
CENTRAL INTELLIGENCE AGENCY
INFORMATION SECTION
FOREIGN DOCUMENTS OR RADIO BROADCASTSREPORT
CD NO.

STAT

COUNTRY China

SUBJECT Economic

HOW
PUBLISHED BookWHERE
PUBLISHED Shang-haiDATE
PUBLISHED 1948

LANGUAGE Chinese

FOR OFFICIAL USE ONLY

DATE OF
INFORMATION 1947

DATE DIST. 18 Nov 1948

NO. OF PAGES 4

SUPPLEMENT TO

CENTRAL INTELLIGENCE AGENCY	
CLASSIFICATION	
Cancelled	
(changed to <u>FOUO</u>)	
BY AUTHORITY OF	
Name	<u>Wm</u>
Office	<u>DDP/IO</u>
Date	<u>OCT 26 1958</u>

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THIS IS UNEVALUATED INFORMATION FOR THE RESEARCH
USE OF TRAINED INTELLIGENCE ANALYSTSSOURCE IDENTIFICATION Shang-hai Shih Lao-kung Nien-chien (Shang-hai Labor Yearbook),
1948 (Information specifically requested.)SUMMARYCHINESE LABOR LAWSI. LABOR UNION LAW

(As amended and passed by the Legislative Yuan, 29 May 1947)

A. General Principles

Unions are for the benefit of laboring people. Labor unions are legal persons and are nonprofit organizations. Their duties include:

1. Making, revising, and bringing to an end group contracts, under permission of constituted authorities
2. Job placement for members
3. Various welfare activities
4. Promotion of cooperatives
5. Vocational and other education
6. Cultural projects such as reading rooms
7. Publications
8. Social activities and amusements
9. Settling disputes among members or unions
10. Settling labor-management disputes
11. Acting as liaison between government and labor
12. Investigation of conditions and preparing of statistics
13. Improvement of working conditions, health, security, etc.
14. Other legitimate duties

Unions are under government over-all supervision. Employees in government executive or educational work, or in its munition industries, may not form unions.

B. Organization

When there are 50 or more factory workers over 20 years of age or 30 or more laborers over 20 years of age in one area, they should organize a plant or occupational union. An area generally speaking is an existing political unit and each area is to have only one union of any one type. Organization

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shall take place only with permission obtained from constituted authorities, who shall have supervision over adoption of constitution and election of officers.

C. Members

All workers, male and female, over 16 years old, shall join one and only one union concerned with their type of work. All employees of a factory, save those representing management, are entitled to join.

D. Officers

[This section prescribes usual procedure and duties.] Officers must be union members who are Chinese citizens at least 25 years of age.

E. Meetings

Meetings of the entire membership or their representatives, shall be held at least annually, with 15 days' notice to the authorities. The usual types of business may be conducted. One half of the membership or of the representatives shall constitute a quorum.

F. Finance

Union income shall be derived from entrance fees and dues, endowments, and special contributions. Entrance fees may not exceed one day's wage, and dues may not exceed 2 percent of a month's pay. Other collections of funds must be approved by convention and by the authorities. Methods of handling finance shall be reported to the authorities.

G. Control

Unions may not exclude those qualified for membership, nor admit those unqualified. In labor-management disputes, a strike may not be proclaimed without resorting to conciliation first, and then only by majority decision of the membership through secret ballot. In cases that have been submitted to arbitration, or adjudicated thereby, a strike may not be proclaimed. In a strike it is not permitted to disturb public order, to interfere with others' lives, property, or personal freedom; nor may a union proclaim a strike for a raise above standard wages. Membership and finance records and year-end reports shall be submitted to the authorities. Unions or members may not be guilty of forbidden practices [listed], or pass illegal resolutions, nor may a union join with any union in another country, without the government's permission.

H. Protection

Employers may not discriminate against any laborer for being a union officer. Time shall be allowed officers for union business. When a debtor goes bankrupt, the labor union shall have prior lien on his assets. Union property and equipment may not be confiscated.

I. Dissolution

Labor unions may be dissolved by the authorities for sound reasons, but they may appeal within 30 days. They also may disband, merge, or divide as occasion warrants.

J. Formation of Federations

[This chapter contains formal regulations and procedure.]

K. Basic Layers of Organization

Five to 20 persons may constitute a cell; three or more cells may form a branch. These are internal subdivisions, not independent entities in external relations.

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L. Penalties

Those who disobey the regulations about strikes may have their union dissolved and their leaders dealt with according to the criminal code. Unions, officers, and members, and employers also who violate provisions of this law may be prosecuted and fined.

M. By-Laws

Detailed rules for application of this law shall be drawn up by the Ministry of Social Affairs for approval by the Executive Yuan. This law shall be in force from date of publication.

II. LAW FOR SETTLEMENT OF LABOR-MANAGEMENT DISPUTES

(Revised and published by the government, 31 May 1943)

A. General Principles

This law applies to a dispute between an employer and a group of 15 or more workers; it does not apply to government-operated business. When a dispute arises, the government may mediate when requested by one or both parties; or, if adjudged necessary, it may intervene. In the case of non-government utilities or transport, if mediation fails, the matter shall be arbitrated. In other cases, if mediation fails, one party may appeal for arbitration; or if necessary the authorities may institute arbitration. Conciliation shall be tried first, unless both parties request arbitration. The arbitration award shall be accepted as final, and if one party is a union, as a contract.

B. Agencies for Settling Labor-Management Disputes1. Mediation Agencies

Such an agency shall be a committee of five to seven persons, one to three appointed by the authorities, and two each appointed by the two parties. The former do not have to be government officials. Within 3 days of receiving notice of mediation, both parties shall choose delegates and inform the government of their names and addresses. The committee shall meet promptly, with government representative as chairman. When the same dispute arises in different haens, the government representatives shall be appointed by the province; when the same dispute arises in different provinces, by the Ministry of Social Affairs.

2. Arbitration Agencies

Such an agency shall be a committee of five persons, two representatives of the authorities, one of the local court, one each of labor and capital circles not directly affected by the dispute. Every two years provincial and city authorities shall ask labor and capital groups to prepare a panel of suitable persons from whom representatives of each group could be chosen for any dispute and who are not directly affected by the dispute. Any who have acted as mediators may not sit as arbitrators in the same case.

C. Procedure for Settling Labor-Management Disputes1. Mediation Procedure

When mediation is desired, the application should state all salient features. Witnesses may be called and records examined. When the decision is made, it shall be signed and is then valid. The authorities shall be informed of the decision.

2. Arbitration Procedure

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When arbitration is ~~restricted~~ **RESTRICTED** mediation should be made to the authorities, stating all salient features. Much the same procedure shall be followed as in mediation. Decision shall be by a majority of the arbitrators, with all taking part, and shall be reported to both disputants, with a copy sent to the government office. At any stage in the process the disputants may come to an agreement, but should report same to arbitrators.

D. Restrictions on Actions of the Disputing Parties

Employers and employees in any nongovernment utility or transportation business may not close down or strike in any labor-management dispute. In other enterprises, employers and employees may not close down or strike during the period of mediation, or after the matter has been referred to arbitrators and not at all during an emergency. During mediation or arbitration, an employer may not discharge workers. Laborers or labor unions may not close a shop or factory, injure any equipment, or force others to strike.

E. Penalties

Those who fail to observe the stipulations on mediation and arbitration shall be considered as having failed to keep a contract between the disputants and may be sentenced to a maximum fine of 200 yuan or maximum imprisonment of 10 days. Those who fail to observe the restrictions of the preceding section may be restrained by the authorities or the committees, and if still recalcitrant, fined up to 200 yuan, or if guilty of crime, turned over to the court concerned. Other violations will meet with appropriate penalties and speedy sentence.

F. By-Law

This law shall be in force from date of publication.

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